IN THE CLAIMS:

Please amend the claims as follows, substituting any amended claim(s) for the corresponding pending claim(s):

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1. (unchanged) A method for streaming scalable video including base layer data and enhancement layer data, comprising the steps of:

transmitting the base layer data for a given interval;

determining if a loss of bandwidth has occurred in the given interval;

selecting a predetermined number of frames to distribute the loss of bandwidth over;

calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames; and

transmitting the reduced amount of enhancement layer data in the given interval.

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2. (amended) The method according to claim 1, further comprising:

transmitting non-enhancement layer data during the given interval.

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3. (unchanged) The method according to claim 1, wherein the calculating step is performed so that the loss of bandwidth is distributed evenly over the predetermined number of frames.

4. (unchanged) The method according to claim 1, further comprising the steps of:

determining if there is still space in the given interval; and

transmitting at least a portion of the reduced amount of enhancement layer data from a second given interval in the given interval.

5. (unchanged) The method according to claim 1, further comprising the steps of:

determining if the pre-determined number of frames has expired;

determining if any left-over enhancement layer data exists;

selecting a second predetermined number of frames to distribute the left-over enhancement data over;

calculating a second reduced amount of enhancement layer data to transmit in the second predetermined number of frames; and

transmitting the second reduced amount of enhancement layer data in a second given interval.

6. (unchanged) The method according to claim 1, wherein the enhancement layer data has a fine grain scalability structure.

7. (unchanged) A method for streaming scalable video including base layer data and enhancement layer data, comprising the steps of:

transmitting the base layer data for a given interval;

selecting a predetermined number of frames if a loss of bandwidth has occurred in the given interval;

distributing the loss of bandwidth over the predetermined number of frames to produce a reduced amount of enhancement layer data; and

transmitting the reduced amount of enhancement layer data in the given interval.

8. (unchanged) The method according to claim 7, wherein the distributing step is performed so that the loss of bandwidth is distributed evenly over the predetermined number of frames.

9. (unchanged) A memory medium including code for streaming scalable video including base layer data and enhancement layer data, the code comprising:

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a first transmitting code to transmit the base layer data for a given interval;

a determining code to determine if a loss of bandwidth has occurred in the given interval;

a selecting code to select a predetermined number of frames to distribute the loss of bandwidth over;

a calculating code to calculate a reduced amount of enhancement layer data to transmit in the predetermined number of frames; and

a second transmitting code to transmit the reduced amount of enhancement layer data in the given interval.

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10. (amended) An apparatus for streaming scalable video including base layer data and enhancement layer data, comprising:

a memory which stores executable code; and

a processor which executes code stored in the memory so as to (i) transmit the base layer data for a given interval, (ii) determine if a loss of bandwidth has occurred in the given interval, (iii) select a predetermined number of frames to distribute the loss of bandwidth over, (iv) calculate a reduced amount of enhancement layer data to transmit in the predetermined number of frames, and (v) transmit the reduced amount of enhancement layer data in the given interval.

11. (unchanged) An apparatus for streaming scalable video including base layer data and enhancement layer data, comprising:

means for transmitting the base layer data for a given interval;

means for determining if a loss of bandwidth has occurred in the given interval;

means for selecting a predetermined number of frames to distribute the loss of bandwidth over;

means for calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames; and

means for transmitting the reduced amount of enhancement layer data in the given interval.

Please add the following new claims:

12. (newly added) The method according to claim 1, wherein the predetermined number of frames over which the loss of bandwidth is distributed comprises frames within the given interval.

A3 Continues

13. (newly added) The method according to claim 1, wherein the step of calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames further comprises:

calculating an amount of enhancement layer data accommodating the loss of bandwidth during the given interval.

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14. (newly added) The method according to claim 1, wherein the step of determining if a loss of bandwidth has occurred in the given interval further comprises:

determining a number of bits during the given interval consumed by transmission of non-enhancement layer data.

15. (newly added) The method according to claim 1, wherein the step of determining if a loss of bandwidth has occurred in the given interval further comprises:

determining a number of bits during the given interval lost due to packet loss, noise, or bandwidth variation.

A3 Concluded

16. (newly added) The method according to claim 1, wherein the step of calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames further comprises:

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calculating a number of lost bandwidth bits to be allocated to each of the predetermined number of frames.